

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 13975 of 2004

Between:

M.Kistaiah, S/o Narayana, R/o Mallampet Village, Papannapet Mandal, Medak District.

..... PETITIONER

AND

- 1 The District Collector, Medak District at Sangareddy.
- 2 The Collector (Civil Supplies)/ Joint Collector, Medak District.
- 3 The Revenue Divisional Officer, Medak District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the Order dt. 12-7-2004 in Proc.No. CSA/Revision Petition/1/04 on the file of the first respondent, order dt. 16-2-2004 in Proc.No. CSA/8/A/03 on the file of the 2nd Respondent and the Order dt. 20-6-2003 in Proc.No. J/782/2003 on the file of the third respondent, as illegal, arbitrary and without jurisdiction; Award costs

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner being aggrieved by the order of the first respondent dated 12.07.2004, wherein the revision petition filed by him under clause 21(i) of the Andhra Pradesh State Public Distribution System (Control) Order 2001 was dismissed on the ground that the same was filed with an abnormal delay, filed this writ petition.

The case of the petitioner is that along with the revision petition, he also filed an application to condone the delay explaining the reasons for delay in filing the revision petition.

The learned counsel for the petitioner vehemently contends that the impugned order is not sustainable since the first respondent failed to take into consideration the application filed by the petitioner to condone the delay.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The law is well settled that Section 5 of the Limitation Act is applicable even to the appeals and revisions that are provided under the Control Orders issued under the Essential Commodities Act, 1955 (vide MAHENDRA KUMAR GOEL v EX.OFFICIO JOINT SECRETARY & ADDITIONAL COMMISSIONER OF CIVIL SUPPLIES, A.P., AND ANOTHER).

In the circumstances, I am of the view that the first respondent is not justified in dismissing the revision petition merely on the ground that it is filed with an abnormal delay. The 1st respondent ought to have considered the explanation offered by the petitioner and if satisfied that a sufficient cause is made out for the delay, ought to

have decided the Revision on merits. Accordingly, the impugned order is set aside and the first respondent is directed to consider the petition to condone the delay and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. If the respondent is satisfied that the delay is properly explained, the Revision Petition be entertained and decided on merits in which event till the Revision Petition is disposed of, no permanent appointment shall be made in respect of the Fair Price Shop of Mallampet (V), Papannapet (Mandal), Medak District.

The Writ Petition is accordingly disposed of. No costs.

09.08.2004

Note: Furnish CC in two days

(b/o)

VGB

To

- 1 The District Collector, Medak District at Sangareddy.
- 2 The Collector (Civil Supplies)/ Joint Collector, Medak District.
- 3 The Revenue Divisional Officer, Medak District.

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings,
Hyderabad (OUT)

5 2CD copies